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ACTION WHA-00

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	EUR-00	E-00	UTED-00	VC-00	FRB-00	TEDE-00	INR-00
	ITC-01	L-00	VCE-00	AC-00	NSAE-00	NSCE-00	OMB-01
	OPIC-01	PA-00	PM-00	PRS-00	ACE-00	P-00	SP-00
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 TAGS: PREL, PGOV, OAS, ECON, VE
 SUBJECT: THE "NUTS AND BOLTS" OF THE RECALL PETITION DRIVES

 Summary

1. (U) Venezuela will undertake three signature drives in the second half of November to recall President Hugo Chavez and various deputies. The first drive will take place Nov. 21-24 in which the GOV-allied parties will collect signatures against 38 opposition deputies. The second drive Nov. 28 - Dec. 1 is the collection of signatures against President Hugo Chavez. The third drive will take place concurrently with the second drive in which Democratic Action (AD) will collect signatures against 34 pro-Chavez deputies. Below is a "nuts-and-bolts" look at how the process works, subject to new developments that may occur in this politically fluid environment. End summary.

UNITED STATES DEPARTMENT OF STATE
 REVIEW AUTHORITY: NORMAN M BOUTON
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----- Three Signature Drives -----

2. (U) The National Electoral Council (CNE) has approved three requests to collect signatures to force a recall vote for various elected officials, as provided in Article 72 of the Bolivarian Constitution of 1999. CNE refers to them as:

Event 1: November 21-24. The pro-Chavez parties will collect signatures against 38 opposition National Assembly deputies.

Event 2: November 28-December 1. The Democratic Coordinating Committee (DCC) will collect signatures to recall President Hugo Chavez. This is called the "Reafirmazo."

Event 3: November 28 December 1. Democratic Action (AD) will collect signatures against 34 pro-Chavez National Assembly deputies. In the state or districts that correspond to these deputies, the AD will set up separate collection tables near collection points for the DCC's "Reafirmazo."

----- Requirements For Recall -----

3. (U) The Constitution states that 20 percent of registered voters (in this case as of November 20, 2003) in the an electoral district or region may petition for a recall vote against any elected official. In the case of President Chavez, the opposition must obtain approximately 2.4 million signatures, or 20 percent of the 12 million registered voters. According to the Constitution, more voters must vote against the elected official than voted him or her into office, and at least 25 percent of registered voters must participate. The Supreme Court (TSJ) ruled on October 21 that those favoring the recall must also obtain more votes than those voting against the recall (Previously, the conventional wisdom rested only on the threshold explicitly stated in the Constitution.) Therefore, those wishing to recall President Chavez must obtain one vote more than 3,757,774 (the number of votes he received in 2000) and more votes than those wishing to retain him.

----- Recalling Deputies -----

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4. (U) The signature drives against the deputies (Events 1 and 3) will be distinct from that against President Chavez as they will be limited to the electoral districts that correspond to the deputies whose recall is being sought. That said, signatures will be collected in the federal district of Caracas and in all but one state. Voters elect deputies in two ways: by name in a specified district and by a party list in each state (and the federal district). Numerically, recalling a deputy elected via party list is more difficult as 20 percent of voters in the state must sign. Deputies elected individually are more vulnerable, however, as districts tend to encompass far fewer voters. Of the 38 deputies whose recall is being sought by the pro-Chavez parties, 23 are elected individually and 15 from

lists. The AD has targeted only 33 deputies elected individually and one elected from lists in its signature drive.

5. (U) Each deputy is elected with an alternate from the same party. Due to defections among pro-Chavez deputies since the 2000 congressional elections, several opposition deputies have alternates who have remained loyal to Chavez. Chavez supporters presume that the recall of these deputies will allow the alternates to fill the vacancy, thereby increasing the GOV majority in the National Assembly (AN). The opposition counters that the recall of a deputy may instead require a new election, a constitutional question the TSJ would need to settle. Also, the opposition has contested the recall of deputies based on ambiguity in the Constitution. They assert that because some deputies are elected from lists to ensure the representation of minor political parties, there is a constitutional question as to whether they can be recalled.

The Opposition Collection Center

6. (U) Hours of operation. Collection centers will be open from 6 a.m. to 6 p.m. during the four days of collection. A center that opens late will be allowed to stay open that much time later. On the last day, the center may stay open as long as there are people waiting to sign.

7. (U) Locations. The CNE permits a collecting organization to establish a maximum of 2,700 fixed collection centers. The locations must be public spaces (no private residences or political party offices) and will be located near traditional

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polling places. The number of collection centers approved by the CNE for the three signature events are:

- Event 1: 1,939 centers;
- Event 2: 2,698 centers; and
- Event 3: 1,298 centers.

Accredited Personnel

8. (U) CNE Supervisors. The CNE designated for each collection point two supervisors and two alternates, drawn from nominations made by each side. The supervisors and alternates must attend a CNE training workshop (now underway around Venezuela) to receive their credentials. CNE supervisors maintain control of the signature forms and perform other legal and administrative duties for the collection center.

9. (U) Collectors. Each collection center has five permanent and five itinerant collectors who may circulate in the surrounding area to collect signatures from those unable to present themselves at the collection center. The opposition expects to use a total of 108,000 collectors. The opposition has designated one "Center Collection Agent" per center who will manage and coordinate the activities of the collectors.

10. (U) Witnesses. Each side may appoint one witness per center and one per mobile collector. Witnesses are accredited by the CNE. In addition, the CNE will allow one witness for each municipality (335) and state (23 plus Caracas); one national witness may also be named. Witnesses may note any irregularities in the operation of the collection center on the daily certifications that track the use of signature forms (see para 16).

Support Personnel

11. (U) The opposition plans to use other support personnel for the Reafirmazo. These include:

Verifiers. The opposition plans to have at least five "verifiers" at each center to check signers' data with the electoral registry via cell phone or computer. Verifiers

will also accompany mobile collectors. The opposition plans to use 54,000 verifiers over the four-day period.

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Security. Two people per center will provide security of a preventive nature -- traffic flow, line control, etc. The opposition will depend on international observers, the media, and videocameras at each collection site to maintain order. Security personnel will accompany mobile collectors. In the event of aggression or violence, security will be coordinated with local police; there are no plans for private armed guards. Army soldiers will safeguard the CNE documents under the "Republic Plan" (see para 13).

Legal Advisors. The opposition has appointed one legal advisor per center to help advise the Center Collection Agent on legal matters, including a review of certifying documents.

Others. The opposition said it has also arranged for engineering and health services to be available to each center in the event of an emergency. Two people per center will organize teams to provide food and necessary supplies. One "taller" per center will be in charge of tracking the numbered signature forms and relaying daily results to the opposition's Operations Center.

----- Signing a Petition -----

12. (U) CNE rules require signers to include their complete name, identity number, date of birth, signature, and fingerprint (married names will be accepted). Signers for the petition to recall President Chavez will upon arrival be asked for their identity card ("cedula") by the verifier. (The NGO Sumate has established a phone service whereby signers may verify their identity card data beforehand.) The signer will receive a card with his/her data exactly as it appears in the electoral registry. The signer will proceed to the petition table where the collector will guide him/her through the process. The signer leaves with the card, bearing the signer's thumbprint and the number and line of the form he/she signed.

----- "Plan Republica" -----

13. (U) The CNE has a standing agreement with the Venezuelan armed forces called the "Republic Plan" in which soldiers provide security during the transportation, storage, and distribution of election materials. The Ministry of Defense will provide 60,000 troops for the three signature drives.

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The Devil is In the Paperwork

14. (U) The number of signature forms provided by the CNE was negotiated among the interested parties. More than 2.1 million signature forms -- bearing space for ten signatures -- were printed for the three signature drives and will be distributed as follows:

Event 1 (GOV drive):	943,393
Event 2 (Reafirmazo):	787,734
Event 3 (AD drive):	372,099

The forms, distinguished by different watermarks, will be split 87.5/12.5 between permanent and itinerant collectors. The CNE supervisors will make available 25 percent of the allotted forms each day. If the collectors run out of forms, the supervisors use the next day's stock, but they may not transfer forms from other locations. Itinerant collectors, however, may only receive 25 percent of their allotment per day. Forms are numbered, tracked, and designated for use in only one of the three collections. When a collection site runs out of forms, it ceases to operate.

15. (U) At the opening of each day, the CNE supervisors will complete a "Certificate of Delivery" with the collection agent detailing the quantities and serial numbers of the

forms. At the end of each day, a "Certificate of Closure" is executed. Unused signature forms are returned to the CNE supervisors and are safeguarded until the next day. The original certificates are returned each day to the CNE, the first copy goes to the collection agent, and the second and third to the CNE supervisors. Collection centers in remote areas are permitted to keep the certificates until the final day of the signature drive. These certificates will be used in the verification process to certify how many signatures appeared on each form. The collection agent retains the completed signature forms each day to the collection agent. For the Reafirmazo, the opposition will transport the pages each day to the NGO Sumate in Caracas. Sumate will audit the forms, reconciling the signatures with the electoral registry. (Note: The GOV has thus far declined to describe to us the organizational plan for its signature drive. End note.)

Verification Process

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16. (U) Presentation and Data Entry. The collecting organization must formally present the signatures collected to the CNE before the CNE takes any action. For the Reafirmazo, the opposition plans to complete its audit and present the signatures at CNE headquarters sometime between December 5 and 10. Once the signatures are presented, the CNE will have 30 calendar days to verify each signature. CNE transcriptionists working in shifts will verify the data from each signature, matching data on the forms to that of the electoral registry. For the Reafirmazo, the opposition has requested that one opposition witness assigned to each transcriptionist. The CNE has yet to make a decision in this regard. The CNE will publish the identity card numbers of those who signed the petitions, giving five days for persons to challenge the presence or absence of their signature. (Note: It is not clear when the challenges can occur, either before or after the final report goes to the Board of Directors. End note.)

17. (U) Final Report. The CNE has 30 days to report the results to the CNE Board of Directors. The Directors have two days to approve the report. If the report validates that the requirements for requesting a recall referendum have been met, the CNE must convoke the corresponding referendum vote within 97 days from the approval of the report.

Shapiro

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